

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF PUERTO RICO**

**THE UNITED STATES OF AMERICA**

**vs.**

**Criminal No. 99-CR-230-04 (PG)**

**ROLANDO RIVERA-BIANCHI**

\* \* \* \* \*

**MOTION REQUESTING EARLY TERMINATION**

**TO THE HONORABLE JUAN M. PEREZ-GIMENEZ  
U.S. DISTRICT JUDGE  
DISTRICT OF PUERTO RICO**

**COMES NOW, DAMARYS I. TELLADO, U.S. PROBATION OFFICER** of this Court,  
and respectfully submits as follows:

1. That on January 28, 2004, an order to Show Cause Hearing was held in response to the U.S. Probation Office's motion regarding alleged criminal activity and technical violations to Standard Condition #11; "The defendant shall notify the Probation Office within seventy-two hours of being arrested or questioned by a law enforcement officer."

2. That it was the decision of the Court that, in view of the confirmation that the releasee's ex-wife had falsely accused Mr. Rivera-Bianchi of domestic violence, the revocation of the supervised release term was not merited and a verbal reprimand was conveyed instead for violation of Standard Condition #11.

3. That at the time the above-mentioned hearing was held, the releasee had already served a state prison term of twelve (12) months for the already mentioned charges of domestic violence.

4. That Title 18 U.S.C. sections 3564 (b) and 3624 (e) provide that terms of supervision are tolled while the offender is imprisoned for 30 or more consecutive days in connection with a conviction.

5. That in keeping with the above-mentioned, the twelve (12) months spent in state prison were added to the releasee's supervised release term. Thus changing his expiration date from September 13, 2004 to September 13, 2005.

6. That in spite of the U.S. District Court's decision not to merit the false accusations regarding the releasee's involvement in new criminal behavior, he continues to be "punished" by having an additional twelve (12) months added on to his term of supervised release.

**WHEREFORE,** in view of the aforementioned and Mr. Rivera-Bianchi's continued compliance with all of the imposed conditions of release, it is respectfully requested that the remaining ten (10) months on supervision be vacated; thus, allowing Mr. Rivera-Bianchi's supervision term to expire.

In San Juan, Puerto Rico, this 4<sup>th</sup> day of November 2004.

Respectfully submitted,

s/Damarys I. Tellado  
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**CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY** that on November 4, 2004, I electronically filed the foregoing to the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following: Assistant U.S. Attorney, Jared López, and to counsel, Ramón González-Santiago.

At San Juan, Puerto Rico, this 4<sup>th</sup> day of November 2004.

s/Damarys I. Tellado  
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